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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/648,435 08/27/2003		Fumihito Imai	Q76988	4531	
23373	7590 10/14/2005	EXAM	EXAMINER		
	MION, PLLC	BLOUIN,	BLOUIN, MARK S		
2100 PENNS SUITE 800	YLVANIA AVENUE, N	ART UNIT	PAPER NUMBER		
WASHINGTO	ON, DC 20037	2653	2653		

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Applicant s IMAI, FUMHITO			I Am	plication No	Applicant(s)					
## Examiner Mark Blowin 2653 ## The MAILING DATE of this communication appears on the cover sheet with the correspondence address = Period for Reply ** A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM. THE MAILING DATE OF THIS COMMUNICATION. Extractions of time may be available under the protisions of 37 CPR 1.13(b), in no event, however, may a reply be timely filled. The protision of time providence is best his helfy (30) days, a reply while the statedory infinite may be provided above, the maintenant standary principle (30) days are ply while the statedory infinite may be provided above, the maintenant standary principle (30) days are ply while the statedory infinite plant (30) days will be considered timely. If NO period for reply is periodic above, the maintenant standary principle (30) days are ply while the statedory infinite plant (30) days will be considered timely. If NO period for reply is periodic above, the maintenant principle (30) days are ply while the statedory principle (30) days will be considered timely. If NO period for reply specified above, the maintenant principle (30) days are ply explicit to the state of this communication. Application of the state of the scenariom of the principle (30) days are ply while the standard of the scenariom of the scenariom plant (30) days will be considered timely. Application for communication (4) filled on 06 July 2005. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Ex partic Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s)	Office Action Summary									
Mark. Blouin - The MALLING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply ** A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION. If the period for reply specified above is less than thirty (30) days, a reply white in the statutory reinformed or thirty (30) days will be considered timely. If the period for reply specified above is less than thirty (30) days, a reply white in the statutory reinformed or thirty (30) days will be considered timely. If the period for reply specified above is less than thirty (30) days, a reply within the statutory reinformed or thirty (30) days will be considered timely. If the period for reply specified above is less than thirty (30) days, a reply within the statutory reinformed or thirty (30) days will be considered timely. If the period for reply specified above is less than the period for reply within the statutory reinformed timely. If the period for reply specified and the replacement of the period of the communication. If the period for reply specified above is less than the period day of the statutory reinformed timely. If the period for reply specified above is less than the period day of the statutory reinformed timely. If the period for reply specified above is less than the period of the score interest than the period of the score communication. Application of Claims 4) Selection (2) This action is find the period day of the score and the score										
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time range havalished used the provision of 3°C FR 1.13(a). In an event, however, may a reply be timely filled after 5X (s) MONTH(S) time the mailing date of this communication of 3°C FR 1.13(a). In an event, however, may a reply be timely filled after 5X (s) MONTH(ST time the mailing date of this communication of 3°C FR 1.13(a). In an event, however, may a reply be timely filled after 5X (s) MONTHS from the mailing date of this communication of 10°C reply is specified above, the maximum statutory period will along by and will along 5% (s) MONTHS from the mailing date of this communication of the property wills be reply wills by exply wills the statutory period will apply and will along 5% (s) MONTHS from the mailing date of this communication, even if simely filed, may reduce any commend patient term adjustment. See 3°C GFR 1.704(b). Status 1) ② Responsive to communication(s) filled on 06_July 2005. 2a) ② This action is FINAL. 2b) □ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ② Claim(s) is is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) □ Claim(s) is/are rejected. 7) ② Claim(s) is/are rejected. 7) ② Claim(s) and 2 is/are rejected. 7) ② Claim(s) and 2 is/are rejected. 7) ② Claim(s) are subject to restriction and/or election requirement. Applicant may not request that any objection to the drawing(s) be held in abovance. See 3°C CFR 1.85(a), Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 3°C CFR 1.12(d). 11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Ac						•				
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Ederation of those may be available under the provisions of 37 CFR 1.35(a). In no event, however, may a reply be timely find If the period for reply is evaluable under the provisions of 37 CFR 1.35(a). In no event, however, may a reply be timely find If the period for reply is period above, he maximum statutory particle will apply and viril expire SD (5) MONTHS from the mailing date of this communication of their (30) dary will be considered timely. If NO period for reply is period expense that their horse limited and the mailing date of this communication, even if timely filed, may reduce any search plants term adjustment. See 37 CFR 1.704(b). Status 1) SR Responsive to communication(s) filed on 06 July 2005. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-6 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 3-6 is/are objected to. 6) Claim(s) 3-6 is/are objected to. 8) Claim(s) 3-6 is/are objected to. 8) Claim(s) 3-6 is/are objected to by the Examiner. On The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received. 2. Certified copies of		The MAILING DATE of this commun				;				
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Detailed Action

Response to Amendment

 The reply filed on July 6, 2005 was applied to the following effect: Claim 1 was amended.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Beuch et al (USPN 6,274,844).
- Regarding Claims 1 and 2, Beuch et al shows (Figs. 3 and 5) a disk cartridge comprising a recording disk medium of diameter 2 inches or less (Col 3, line 30) and a housing which is made up of a frame (24) and upper (18a) and lower (18b) metal shells covering the top surface and bottom surface of the frame and in which the disk medium (14) is rotatably enclosed, wherein the frame has a plurality of recesses (to each side of the curved portion where elastic tabs 318a and 318b engage together (Col 4, lines 34-38) in side walls thereof, wherein side walls of the upper and lower shells are provided with a plurality elastic engagement pieces (318a, 318b) respectively engageable with the recesses of the frame (24), and wherein the housing is assembled and fixed together by engagement of the elastic engagement pieces with the recesses, wherein the elastic

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engagement pieces are constructed to be engageable with the recesses of the frame along a vertical direction.

Allowable Subject Matter

Claims 3-6 are objected to as being dependent upon a rejected base claim, but 4. would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments filed July 6, 2005 have been fully considered but they are not persuasive.

Applicant asserts on Page 8, that Beuch does not rely on the tabs to fix the upper and lower shells together.

The Examiner maintains that Beuch uses these tabs to fix (Merriam / Webster – to make firm, stable, or stationary) the upper and lower shells together, and they hold the position of the shells in place for subsequent welding. Therefore, the rejection of Claim 1 is upheld.

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Conclusion

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Blouin whose telephone number is (571) 272-7583. The examiner can normally be reached M-F, 6:00 am – 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful the examiner's supervisor, William Korzuch can be reached at (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300 for regular and After Final communications.

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Any inquiry of general nature or relating to the status of application or proceeding

should be directed to the receptionist whose telephone number is (703) 306-0377.

Mark Blouin / Patent Examiner Art Unit 2653 October 3, 2005

A. J. HEINZ
PRIMARY EXAMINER
GROUP DE A.U. 2653